

Day in the Life of the OS FOIA Office

The OS FOIA Office (Office) has 7 FTEs (OS FOIA Officer, 5 processors, and 1 admin staff) to process all incoming FOIA's to the Office of the Secretary. For the past year, the office has also had 1 contractor assisting with intake procedures—though position vacant for two months.

(b) (5)

Intake

All incoming FOIA requests are received via email, fax, or mail and are processed as follows:

- 1) Each FOIA is **uploaded** into the Electronic FOIA Tracking System (EFTS) and data fields are completed;
- 2) Each FOIA is *perfected* (i.e., the scope of the request is clear and fee issues resolved – (b) (5)
- 3) A **determination** is made on what would entail a reasonable search for records (b) (5)
- 4) A physical file is **created** for each incoming FOIA as well as an electronic folder in the F-Drive to retain ALL records associated with the FOIA request—*a cradle to grave system*;
- 5) If the FOIA cannot be immediately *perfected*, the Office will **contact** the requester to clarify the request. This can sometimes take days. (b) (5)
- 6) Once the Office has determined the issues above, it **completes** the following tasks (b) (5)

- 1) **prepares** and sends an acknowledgement letter to the requester, which includes among other things, the EFTS-issued FOIA tracking number and the *processing track*; (b) (5)

Typically, the searches conducted by the Office are placed in the *simple or normal* track. Additionally, *normal* tracks may involve records that usually do not require any complex redactions or significant review process, such as calendars or visitor logs. The other tracks for processing, *complex and exceptional/voluminous*, are assigned for FOIAs that require extensive custodial searches or very complex review and processing (i.e., highly sensitive records, equities, etc). These FOIAs could take months or even years to close. In addition to the traditional process of requesting records from custodians, the Office has recently had limited opportunity to utilize the email Enterprise Records and Document Management System (eERDMS) to collect email records from certain custodians. Each FOIA is now reviewed for its potential for an eERDMS search. (b) (5)

2) **determines** if it will conduct a search for records (i.e, via the Document Tracking System (DTS) or previously released records), or send out via email a request(s) for records.

Requested searches for custodians in the Office of the Secretary range from a single individual to as many as 30 custodians per each FOIA request. Response time for records has gone from several days to several weeks or months to no response at all.

3) **assigns** a processor for processing the FOIA; and (b) (5)
4) **responds** to calls or emails (b) (5) from custodians who have questions or concerns about a specific FOIA request.

This stage in the process has increased sharply due to the nature of the incoming FOIAs. These calls or emails may then impact the ultimate final scope and/or fees of the FOIA if custodians raise particular issues. On some Mondays, the Office is greeted with as many as 50 new requests to process from the weekend. This intake processing is largely done by 1 FTE and 1 contractor, if available, and overseen by the OS FOIA Officer.

Due to the unprecedented volume, the intake process that was completed in 24-48 hours on a chronological basis is now taking a week or more. (b) (5)
With the increased volume of incoming FOIAs, admin and processing staff have not been able to conduct regular follow-ups with custodians for records, which has contributed to the increased volume in non-response litigation. (b) (5)

Average Total Time for Intake Action/per person:

Processing

Once the Office has received records from one or more of the custodies – either all at once or in a rolling production, the processor performs the following:

- 1) **review** the records for both responsiveness and apply appropriate exemptions;
 - This may entail conducting research via the internet, talking directly to the custodians about the nature of the records, consult with other bureau FOIA officers familiar with the subject matter or the actual records, conduct equity reviews, or private entities who have knowledge of the records. This stage is where the majority of time is spent by the processor. (b) (5)
 - Once the review process is complete, the processor **prepares** the package for the OS FOIA Officer review. If exemptions have been applied to the production or the matter is sensitive, the package is sent to the Division of General Law, Office of the Solicitor, for review. (b) (5) After review and consultation with the Office of the Solicitor, the processor may need to make changes to the package.

- Once the package is returned from the solicitor's office, the processor **reviews** it for any DOI political staff named on any pages in the package. Once he/she determines the names, an email is sent to all named senior staff for a 72 hour awareness review and **5-day** review requiring for the DSCOS and Deputy Solicitor for an affirmative response. The Deputy Chief of Staff, Director of Communications, and the Deputy Solicitor are cc'd on each package. The processor then pings those who have not responded. The package will not be sent until all individuals sent the email; respond in the affirmative. (b) (5)

Depending on staff levels, the Office may attempt to do rolling productions. However, at the present time, it has been difficult to keep track of when records are received, especially when the searches are partially fulfilled. Thus, the Office has typically waited until it is clear that all searches have been completed and records produced.

Once the awareness review is complete, the processor finalizes the package and releases it to the requestor (via email or traditional USPS). If the records respond to 3 or more requests, or the Office is likely to receive 3 or more request asking for the same records, the processor then posts the released records to the OS FOIA library. (b) (5)

Average Total Time to Process:

In FY 2018, processing productivity for OS FOIA Processors (pages/processed) is as follows:

Ryan									
		125		292	411	370	218		
Litigation	640	6	902	7	9	5	1		13,549 Total /2,258 Ave.
Non-Lit	319	279	755	559	60	0	0		1,972 Total /394 Ave.
Nick									
	250	185	127	781	372	191	224		19,077 Total/3,179 Ave.
Litigation	0	5	3	0	4	5	9		
Non-Lit	0	0	0	380	0	0	0		380/380
Leah (b) (6)									
	161	373	230	580					14,103 Total/2,350 Ave.
Litigation	7	5	7	7	167	470	488		
					313	351	386		9,265 Total/1,544 Ave.
Non-Lit	978	607	876	152	4	8	2		
Justin									
				261	324	420	216		12,237 Total /3,059 Ave.
Litigation	0	0	0	7	6	9	5		

DRAFT Deliberative

	Non-Lit	382 9	283 4	418 6	256 3	124 0	287	0	14,939 Total /2,489 Ave.
Jason									
	Litigation						0	0	0/0
	Non-Lit						126 5	252 6	1,265/1,265
Clarice (mostly secondary review)									
	Litigation	400	300	400	400	400	400	300	2,300 Total /383 Ave.
	Non-Lit	500	400	400	400	400	400	500	2,500 Total /416 Ave.